



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 37

The Scripps Research Institute
10550 North Torrey Pines Road
Mail Drop TPC 8
La Jolla, CA 92037

COPY MAILED

JAN 3 1 2003

OFFICE OF PETITIONS

In re Application of
Ichiro Maruyama, et al.
Application No. 08/852,020
Filed: May 6, 1997
Attorney Docket No. N/A

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 27, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 1.17(c)) within the time period provided in 37 CFR 1.192(a). A four(4) months extension of time under the provisions of 37 CFR 1.136(a) was obtained. As an appeal brief (and appeal brief fee) was not filed within six (6) months of the Notice of Appeal filed February 1, 2002, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.192(b) & 1.197(c). As no claim was allowed, the-above-identified application became abandoned on August 2, 2002. See MPEP 1215.04.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

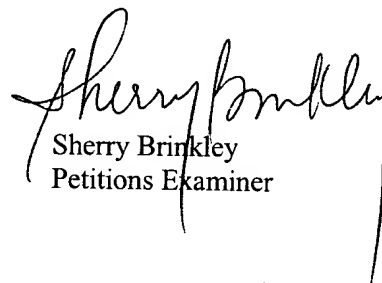
Petitioner submitted a Request for Continued Examination (RCE), without the proper submission on July 12, 2002. Accordingly, the Request for Continued Examination (RCE) was improper under 37 CFR 1.114. Since a proper submission has been filed with the instant petition, the application will be revived solely for purposes of continuity with the Request for Continuation Examination (RCE) filed on July 12, 2002.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111, or in her absence, Sherry Brinkley at (703)305-9220.

The application file is being forwarded to Technology Center 1600, Art Unit 1636, for processing the Request for Continued Examination under 37 CFR 1.114.



Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



Sherry Brinkley
Petitions Examiner